UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,398	03/29/2004	Alexei Mogilevsky	MS301436.01/40062.225US01	5807

7590	04/04/2007		EXAMINER
Homer L. Knearl			BASEHOAR, ADAM L
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P.O. Box 2903		ART UNIT	PAPER NUMBER
Minneapolis, MN 55402-0903		2178	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 March 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03/29/04</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>03/29/04</u>.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to communications: The Application filed 03/29/04.

2.   Claims 1-17 are pending in this case. Claims 1, 5, and 14 are independent claims.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 03/29/04 has been

considered by the examiner.

Specification

4.   The disclosure is objected to because of the following informalities:

a) Ref. #300 is not in the drawings as mentioned on p. 6 line 30.

b) Text store Ref. #304 on p. 6 line 31 and p.7 line 1 should be replaced with Ref.

#306 according to Figure 3.

c) Text object model Ref. #306 on p. 6 line 33 should be replaced with Ref. #304

according to Figure 3.

d) On p. 7 line 17, "TextHighlight" is an abstract class. However, on p. 7 line 29

"TextHighlight" is non-abstract class. These two cited statements appear to contradict

each other.

Appropriate correction is required.

Drawings

5.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference character "150" has been used to designate both software in Figure 1 and

Friendly text abstract layer in Figure 1. Corrected drawing sheets in compliance with 37

CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claims 5-17 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 5 recites the limitation "the video display". There is insufficient antecedent

basis for this limitation in the claim.

Claim 14 recites the limitation "said computer process". There is insufficient

antecedent basis for this limitation in the claim.

Dependent claims 6-13 and 15-17 are rejected for fully incorporating the

deficiencies of their respective base claims.

Claim Rejections - 35 USC § 101

8.   Claims 14-17 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claims 14-17 describe a computer program

process, which is considered functional descriptive material in that includes a computer

program that may impart functionality when employed as a computer component.

Functional descriptive material per se is not statutory. Functional descriptive material

must be claimed in combination with an appropriate computer readable medium to enable

the functionality. Where there is no evidence in the specification that an term or phrase

which may be interpreted as software, hardware or combinations thereof necessarily

includes hardware, it should be interpreted in its broadest sense as software. Appropriate

correction is required.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bangs et

al (US-5,802,380 09/01/98).

-In regard to substantially similar independent claims 1 and 14, Bangs

teaches a method of handling editing operations of objects on a video display in an

application running on a computer system (Fig. 2A & 2B) comprising: providing an

application program interface having one or more abstraction layers having a text edit

functionality (column 6, lines 64-67; column 7, lines 1-8 & 41-44: "various text manipulation functions"..."application program interface"); detecting an edit operation for an object displayed on the video display by the computer system (column 6, lines 21-26: "a request to modify a selected one of the defined ranges....modify the selected range"); and sending an edit operation request to one of the abstraction layers via the application program interface to initiate editing of the object via the abstraction layer (column 6, lines 26-31: "in response, invokes the member function....modifies a selected range in accordance with the received request").

-**In regard to dependent claims 2 and 15,** Bangs teaches wherein the application program interface has one or more abstraction layers having a layout editing functionality (column 7, lines 1-8; column 8, lines 48-53).

-**In regard to dependent claims 3 and 16,** Bangs teaches wherein the application program interface has a text container abstraction layer for storing a linear piece of text (column 7, lines 3-4: "ITextDocument", "ITextRange") and a text position abstraction layer for identifying a location within the piece of text (column 7, lines 4: "ITextRange", "ITextSelection").

-**In regard to dependent claims 4 and 17,** Bangs teaches a text navigator abstraction layer for moving between one or more locations within the text container (column 7, lines 4: "ITextRange", "ITextSelection"; column 14, lines 43-52; column 20, lines 55-67).

-**In regard to independent claim 5**, Bangs teaches a system for editing objects

displayed by a computer comprising: a processor (column 9, 61-62: "processor"); and a

memory (column 9, lines 62: "memory") coupled with and readable by the processor and

containing instructions that, when executed by the processor, cause the processor to

detect an edit operation for an object (column 6, lines 21-26: "a request to modify a

selected one of the defined ranges....modify the selected range") displayed on the video

display (Fig. 2A: 2A04) by the computer system, send an edit operation request from an

application program via an application program interface to an abstraction layer (column

6, lines 64-67; column 7, lines 1-8 & 41-44: "various text manipulation

functions"..."application program interface") within the interface to initiate editing of the

object by the abstraction layer causing the abstraction layer to receive the edit operation

request column 6, lines 26-31: "in response, invokes the member function....modifies a

selected range in accordance with the received request", determine a container type for a

container in which the object is displayed (column 6, lines 22-29: i.e. determining the

selected range from the plurality of define ranges based on the user request), read a set of

properties related to the object to be edited (column 6, lines 16-17: "each range has at

least one property"), read a set of properties related to the container in which the object is

displayed to determine a type for the container (column 8, lines 42-52: i.e. the defined

range position), and edit the object based on the container type and the received edit

operation request (column 6, lines 28-29: "The member function modifies a selected

range in accordance with the received request").

-In regard to dependent claim 6, Bangs teaches wherein the type of container is a text container having a framework class (column 7, lines 1-8).

-In regard to dependent claim 7, Bangs teaches wherein the framework class includes a dependency object class used as an abstract representative for text structuring elements (column 14, lines 43-67: "ITextRange").

-In regard to dependent claim 8, Bangs teaches wherein the framework class includes a dependency property object class containing formatting information on the dependency object class (column 22, lines 62-67; column 23, lines 1-38: "accessing the attributes of the characters in a range...color, font size, capitalization, etc"....."ITextPara").

-In regard to dependent claim 9, Bangs teaches one or more base types (column 17, lines 18-25: "FindFromEnd"; column 18, lines 19-22: "returns the type").

-In regard to dependent claim 10, Bangs teaches wherein one of the base types is a logical direction type for indicating direction in linear text space (column 17, lines 18-25: "searches in the direction indicated by the sign position of the count"; column 18, lines 46-52: "moves the insertion point....in the direction indicated by the sign"; column 21, lines 1-12: i.e. Down, Up, Left, Right, etc).

-In regard to dependent claim 11, Bangs teaches an abstract text position class defining a mechanism for identifying location within text in the text container (column 8, lines 42-67; column 9, lines 1-24; column 12, lines 34-48: "ITextDocument Interface"; column 14, lines 42-52: "ITextRange Interface").

-In regard to dependent claim 12, Bangs teaches an abstract class text navigator providing a content exploration functionality within the object (column 14, lines 42-67: i.e. FindText, FindFromEnd, FindFromStart, etc.).

-In regard to dependent claim 13, Bangs teaches a view model for the text container to provide one or more presentational characteristics of the text container (column 22, lines 62-67; column 23, lines 1-48: i.e. ITextFont and ITextPara provides for accessing the presentation characteristics of the text container).

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

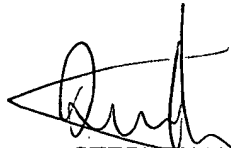US-2003/0182469   09-2003   Lok et al.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR. Status

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Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALB

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SUPERVISORY PATENT EXAMINER